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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	No. 3:13-cr-00097-SLG-JDR
)	
Plaintiff,)	GOVERNMENT'S
)	UNOPPOSED MOTION TO
v.)	CONTINUE MARCH 24, 2014,
)	JURY TRIAL
JASON JAYAVARMAN,)	
)	
Defendant.)	FILED ON SHORTENED TIME
)	

COMES NOW the United States of America, by Assistant United States Attorney Audrey J. Renschen, and Department of Justice Trial Counsel Ravi

Sinha, and moves this Court to continue the scheduled March 24, 2014, jury trial.

The Court may remember that on September 10, 2013, this Court granted the Defendant's first unopposed motion to continue trial in this matter. The Court found excludable delay under 18 U.S.C. § 3161(h)(7)(B)(ii), finding the case unusual or complex. (Docket 22)

At that hearing, Defense Counsel advised the Court of his need for additional time to prepare his case. The Government advised that thirteen(13) hard drives were seized from Defendant's residence, and that only a portion of those materials had been forensically analyzed.

The initial forensic examination of these materials has now been completed.

However because of the unusual facts involving evidence in a foreign country, and because of the unavailability of counsel, an additional extension of time is necessary. That information is set forth below.

1. The undersigned prosecutors have been in contact with the U.S. Department of Justice's Office of International Affairs regarding a formal request to the Kingdom of Cambodia ("Cambodia") for certified copies of governmental records that would indicate the age of the identified victim in this case. On February 11, 2014, the undersigned prosecutors submitted a formal, written request for mutual legal assistance to the primary attorney for

the Office of International Affairs' Cambodia desk. The request, which the undersigned prosecutors anticipate will ultimately be approved and transmitted to the Cambodian government through diplomatic channels, seeks certified copies of all Cambodian governmental records that contain the date of birth and/or age of the identified victim, a resident of Cambodia. Commonly, when such requests are made, the Office of International Affairs offers revisions or timely approval. Once the Office of International Affairs approves of the request, the document is translated into the appropriate language and transmitted through diplomatic channels to the government of the appropriate country. Because the undersigned prosecutors' request constitutes an "official request," as defined in 18 U.S.C. § 3292, its submission should toll the Speedy Trial clock, in accordance with 18 U.S.C. § 3161(h)(8).

2. The evidence sought by the undersigned prosecutors' request is vital to both the prosecution and defense of this case. Because the identified victim's age is an element of every crime for which Defendant is presently charged, reasonably available documentary evidence of her age—even if unreliable—should be obtained prior to trial. A failure to allow the parties to obtain such evidence—and, thus, for Defendant to have an opportunity to review the evidence before trial—would constitute a miscarriage of justice and impinge on Defendant's counsel's ability to provide constitutionally adequate representation. Accordingly, this Court should exclude the time that the

parties are awaiting the requested documents from the Speedy Trial clock calculation, in accordance with 18 U.S.C. § 3161(h)(7), as the ends served by doing so vastly outweighs the best interest of the public and the defendant in a speedy trial.

3. Additionally, the requested continuance is in the interest justice, as one of the two prosecutors on the case anticipates that he will be in trial in Los Angeles on the date on which this trial is set to begin, March 24, 2014. Ravi Sinha is one of two prosecutors on *United States v. Walter Lee Williams* (United States District Court, Central District of California Case No.: CR 13-302-PSG) which is scheduled to begin a two-week trial on March 18, 2014. At present, the undersigned prosecutors believe that the March 18, 2014 trial date will hold.

Both parties ask for a hearing on this matter in approximately two weeks, so this Court has an opportunity to make findings on the record that include updates involving the formal written request for mutual legal assistance, and to further supplement the record in support of the requested and unopposed continuance.

The parties further request that in light of this unopposed motion, the Court vacate tomorrow afternoon's status hearing.

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RESPECTFULLY SUBMITTED, February 11, 2014, in Anchorage,
Alaska.

KAREN L. LOEFFLER
United States Attorney

s/ Audrey J. Renschen
AUDREY J. RENSCHEN
Assistant U.S. Attorney
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s/ Ravi Sinha
RAVI SINHA
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CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2014,
a copy of the foregoing was served
electronically on: Rex Butler

s/ Audrey J. Renschen
Office of the U.S. Attorney